

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WALTER JAMAR AVERY, #184 038

*

Plaintiff,

*

v.

* CIVIL ACTION NO. 3:05-CV-631-F

JAY JONES, SHERIFF, *et al.*,

*

Defendants.

*

ORDER

Plaintiff filed this 42 U.S.C. § 1983 action on July 6, 2005. At the time he filed this complaint, Plaintiff was incarcerated at the Lee County Detention Center located in Opelika, Alabama. On October 24, 2005 the envelope containing Plaintiff's copy of an order filed October 14, 2005 was returned to the court marked "returned to sender, attempted not known," because Plaintiff was no longer at the most recent address he provided to the court.

All parties have an affirmative duty to inform this court of any change of address during the pendency of their actions. Upon review of the pleadings filed in the instant matter, it is clear that the court file does not contain an alternate address for Plaintiff and that he has not provided this court with a current address since the inception of filing the instant complaint. Accordingly, the court concludes that Plaintiff shall be granted an opportunity to show cause why his complaint should not be dismissed for his failure to keep the court

informed of his current address.

Accordingly, it is ORDERED that:

1. On or before November 7, 2005 Plaintiff SHOW CAUSE why his complaint should not be dismissed for his failure to provide the court with his current address. Plaintiff is cautioned that his failure to comply with this order will result in a Recommendation that his complaint be dismissed without prejudice;
2. The Clerk of Court SEND copy of this order to Plaintiff at his last known address.

Done this 26th day of October, 2005.

/s/Charles S. Coody

CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE